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JURY'S DUTY IN CRIMINAL CASES. — The case of *Com. v. McManus*, recently decided by the Supreme Court of Pennsylvania, (21 Atl. Rep. 1018 and 22 Atl. Rep. 761) contains an interesting discussion of the proposition that the jury are judges both of law and fact in criminal cases. The case came up on exception to a ruling of the trial judge, refusing to direct the jury that they were the judges of law and fact. On this point the judge ruled that the jury were bound to decide the case on the law and the evidence; that the court's statement of law was the best evidence of the law which the jury had, and therefore in view of that evidence, and viewing it as evidence only, the jury must be guided by what the court said was the law. This ruling was affirmed by the Supreme Court, Paxson, C. J., saying that the charge of the court was the best evidence of the law within the jury's reach, and therefore the jury were bound to follow it. Mitchell, J., in his opinion, denies emphatically that the jury are the judges of law as well as of fact. He says that the doctrine arose from the power of the jury to give general verdicts, which, if in favor of acquittal, could not be revised by the court. But to prove the doctrine true, a court should have no power of revision when the verdict was against the prisoner. This right of revision by the court has never been disputed, and conclusively negatives the jury's right to be judges of the law.

It would seem that Mitchell, J.'s, view is correct and his reasoning conclusive. There is always danger, as was pointed out by the court of Georgia in *Higginbotham v. Campbell* (11 S. E. Rep. 1027), that if the jury are told that they are judges of law as well as of fact, they may think themselves not bound to accept the court's statement of law, any more than they are bound to believe a witness to a fact.

NATURE OF THE RIGHTS IN A DEAD BODY — DAMAGES FOR MENTAL SUFFERING. — An interesting and in some ways helpful opinion was delivered last month in Minnesota, on the confused subject of damages for mental suffering caused by mutilation of a corpse.¹ The action was brought by a widow for the unlawful dissection of the body of her

¹ *Larson v. Chase*, 50 N. W. Rep. 238 (Minn. 189.)